

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL SHAWN HAYNES,

No. 2:20-cv-00027-JE

Petitioner,

ORDER

v.

BRAD CAIN,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge John Jelderks issued a Findings and Recommendation [13] on July 29, 2020, in which he recommends that the Court dismiss Petitioner's habeas corpus petition and decline to issue a Certificate of Appealability. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v.*

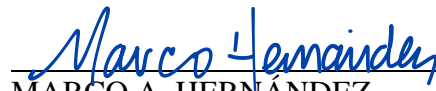
Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks's Findings and Recommendation [13]. Accordingly, Petitioner's Petition for Writ of Habeas Corpus [2] is DISMISSED with prejudice. The Court declines to issue a Certificate of Appealability because a plain procedural bar is present, and the Court is correct to dispose of the case on that basis. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

DATED: December 13, 2020.


MARCO A. HERNÁNDEZ
United States District Judge